

**EXHIBIT 1 TO  
DECLARATION OF SHANEE Y. WILLIAMS  
ISO ADVANCEME'S OPPOSITION TO DEFENDANT'S  
MOTION TO EXTEND DISCOVERY DEADLINE**

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**From:** Williams, Shanee  
**Sent:** Monday, June 18, 2007 3:54 PM  
**To:** 'Gray, Joseph'; Matz, Robert; Edelman, Michael N.; Lemieux, Ronald (Ron) S.  
**Cc:** Buss, Brian; Schuurman, Bill; Walker, Floyd  
**Subject:** RE: AdvanceMe v. AmeriMerchant

Joey,

AmeriMerchant was required to produce information relevant to the claims and defenses in this action over a year ago. Notwithstanding our repeated efforts to obtain production of these materials, AmeriMerchant has chosen to ignore our requests to meet and confer, and has provided no justification for its complete failure to produce much of the information that is required pursuant to its disclosure obligations.

While we understand that your firm is preparing for trial of the RapidPay action, counsel for AdvanceMe is also involved in several other cases that are set for trial this fall and others scheduled to begin in January in addition to the AmeriMerchant matter. As such, we are not in a position to consider pushing back the discovery deadline in AmeriMerchant as doing so would interfere with the management of our other cases. Further, the parties have known of this deadline for a year now, and should be prepared to complete their discovery by the date ordered by the Court.

In any event, the discovery cut-off date is irrelevant to our repeated requests for AmeriMerchant to produce its relevant documents. Regardless of the cut-off date, the fact remains that we need production of these documents immediately. It will take a substantial period of time for us to review the documents, and conduct follow-up discovery based on the content of the documents. We cannot afford to wait any longer. Absent production by the end of this week, AdvanceMe will have no choice but to seek relief from the Court.

Again, I am available this week to meet and confer. Please feel free to call me.

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**From:** Gray, Joseph [<mailto:jgray@velaw.com>]  
**Sent:** Monday, June 18, 2007 8:00 AM  
**To:** Williams, Shanee; Matz, Robert; Edelman, Michael N.; Lemieux, Ronald (Ron) S.

7/9/2007

**Cc:** Buss, Brian; Schuurman, Bill; Walker, Floyd  
**Subject:** RE: AdvanceMe v. AmeriMerchant

Shanee,

I received the letter mentioned below this morning, and as you know, we are in the midst of trial preparation in the Rapidpay matter. We plan to respond, and produce additional relevant documents in light of the new categories described in Ex. A to your letter, if any, as soon as possible. However, given the deadlines in the Rapidpay matter, an "immediate" response is untenable. We will speak to our client and respond as soon as possible.

As we mentioned before, we are still willing to postpone discovery in the AmeriMerchant matter so that both parties may focus on next month's trial rather than attempting to scramble to complete discovery in the AmeriMerchant matter simultaneously. As trial in the AmeriMerchant matter is not set until January of next year, please explain why AdvanceMe will not--in the spirit of professional courtesy--agree to postpone the discovery deadline past the July trial date in the Rapidpay matter.

Regards,  
Joey

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**From:** Williams, Shanée [mailto:shaneewilliams@Paulhastings.com]  
**Sent:** Friday, June 15, 2007 9:30 PM  
**To:** Gray, Joseph  
**Cc:** Fitch, Kimberly W.  
**Subject:** AdvanceMe v. AmeriMerchant

Joey:

Attached please find correspondence for the above entitled action.

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Thank You.

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**From:** Gray, Joseph [mailto:jgray@velaw.com]  
**Sent:** Thursday, July 05, 2007 3:57 PM  
**To:** Fazio, James V.; Edelman, Michael N.; Matz, Robert; Williams, Shanee  
**Cc:** Buss, Brian; Walker, Floyd; Sutliff, Graham  
**Subject:** AmeriMerchant case discovery issues

James:

I've received both of your letters dated July 3rd, and the defendants will respond to them as soon as possible. As you know, trial begins in the Rapidpay matter in just over a week and we are heavily involved in pre-trial preparation. Due to the imminent trial date, we are unable to immediately address the *AmeriMerchant* discovery issues raised by your letters.

We remain hopeful that the parties will agree to extend the discovery deadline in the *AmeriMerchant* case (or that the Court will grant defendants' motion requesting the same), which would alleviate the need to meet and confer over these issues during the final week of trial preparation in the *Rapidpay* action.

Regards,

**Joseph D. Gray**  
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**Vinson & Elkins LLP**  
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